

## REMARKS

This is intended as a full and complete response to the Final Office Action dated May 29, 2003, having a shortened statutory period for response set to expire on August 29, 2003. Claims 9 and 19 have been allowed. Claims 1, 5, 6 and 12 have been amended to more clearly recite aspects of the invention. Claims 5, 6 and 12 have been rewritten in independent form to include the limitations of the base claim and any intervening claims. New claims 34-50 have been added to more clearly recite aspects of the invention. Applicants believe no new matter has been introduced by the amendments and the new claims presented herein. The amendments and new claims have been made in a good faith effort to advance prosecution on the merits. Applicants reserve the right to subsequently take up prosecution of the claims as originally filed in this application in a continuation, a continuation-in-part and/or a divisional application. Please reconsider the claims pending in the application for reasons discussed below.

In a telephone interview on July 24, 2003, the Examiner indicated that claims 1-24 and new claims 34-42 are patentable over the references of record. The Examiner also indicated that an updated search may be performed following receipt of this paper. Applicants appreciate the Examiner's courtesy for scheduling and conducting the interview.

Claims 1,3-8, 10-18, 20-21, 23-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,272,417 (*Ohmi*) in view of US Patent No. 6,413,876 (*Ohmoto*). *Ohmi* is generally directed to an RIE device configured to perform etching on a substrate surface. The device includes a plate-like electrode and a plate-like susceptor electrode placed opposite each other. A first high frequency power source provides high frequency power to the susceptor electrode at a first frequency. A second high frequency power source provides high frequency power to the plate-like electrode at a second frequency that is higher than the first frequency. The first frequency may be 10 to 50 MHz or 100 MHz, while the second frequency is 250 MHz. Further, each electrode is connected to a band eliminator so that only the first high frequency power or the second high frequency power is provided.

However, *Ohmi* does not teach, disclose or suggest a high frequency power source electrically connected to the second electrode and a low frequency power source electrically connected to the first electrode, as recited in claim 1. In contrast, *Ohmi* proposes a first high frequency power source providing power to the susceptor electrode and a second high frequency power source providing power to the plate-like electrode at a higher frequency than the first power source.

Further, *Ohmi* does not teach, disclose or suggest a high frequency power source adapted to deliver power between 250 MHz and about 500 MHz, as recited in claim 5. In contrast, *Ohmi* proposes a high frequency power adapted to deliver power at 250 MHz, and not any higher than 250 MHz.

In addition, *Ohmi* does not teach, disclose or suggest a low frequency power source is adapted to deliver power between about 100 kHz and 10 MHz, as recited in claim 6. Rather, *Ohmi* proposes a low frequency power source adapted to deliver power at 10 MHz, and not any lower than 10 MHz.

Moreover, *Ohmi* does not teach, disclose or suggest a high frequency power source electrically connected to either the first or second electrode, wherein the high frequency power source is configured to deliver power greater than 100 MHz; a low frequency power source electrically connected to either the first or second electrode, wherein the low frequency power source is configured to deliver power less than 20 MHz; and wherein the high frequency power and the low frequency power are delivered to one electrode, as recited in claim 12. Rather, *Ohmi* proposes a high frequency power source providing power to the susceptor electrode at 100 MHz and at 40 MHz.

Also, *Ohmi* does not teach, disclose or suggest a high frequency power and a low frequency power source electrically connected to the first electrode, as recited in claim 14. In contrast, *Ohmi* describes connecting two high frequency power sources to a susceptor electrode.

*Ohmoto* proposes a susceptor electrode connected to an RF power supply through an impedance adjuster composed of a variable capacitor and a filter coil. Like *Ohmi*, *Ohmoto* fails to teach, disclose or suggest a high frequency power source electrically connected to the second electrode and a low frequency power source electrically connected to the first electrode, as recited in claim 1. *Ohmoto* also fails to

teach, disclose or suggest a high frequency power source adapted to deliver power between 250 MHz and about 500 MHz, as recited in claim 5. *Ohmoto* further fails to teach, disclose or suggest a low frequency power source is adapted to deliver power between about 100 kHz and 10 MHz, as recited in claim 6. *Ohmoto* also fails to teach, disclose or suggest a high frequency power source electrically connected to either the first or second electrode, wherein the high frequency power source is configured to deliver power greater than 100 MHz; a low frequency power source electrically connected to either the first or second electrode, wherein the low frequency power source is configured to deliver power less than 20 MHz; and wherein the high frequency power and the low frequency power are delivered to one electrode, as recited in claim 12. *Ohmoto* further fails to teach, disclose or suggest a high frequency power and a low frequency power source electrically connected to the first electrode, as recited in claim 14.

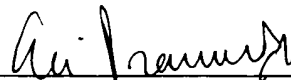
Neither *Ohmi* nor *Ohmoto*, alone or in combination, teaches or discloses all the limitations recited in claims 1, 5, 6, 12 and 14. Furthermore, there is no suggestion discerned in the references of modifying the devices disclosed therein in the direction of the present invention, nor does there appear to be any suggestion of the desirability of such modifications. Therefore, claims 1, 5, 6, 12 and 14 are patentable over the references of record. Claims 2-4, 7-8, 10-11, 13, 15-18, 20-24 and 43-50 are also patentable over the references of record since they depend from claims 1, 5, 6 and 14, respectively.

The Examiner has rejected various dependent claims. However, because the rejections to the respective base claims have been overcome, Applicants submit that the rejections for the dependent claims have been obviated.

With regard to new claims 34-50, Applicants submit that claims 34-50 recite subject matter that is neither disclosed, taught, nor otherwise suggested by the cited references, and as such, allowance of these claims is respectfully requested. Support for each new claim may be found in the specification and the drawings. For example, support for new claim 34 may be found in paragraph 35, support for new claims 35-36 may be found in paragraph 38, and support for new claims 37-42 may be found in paragraphs 40-42.

In conclusion, the references cited by the Examiner, neither alone nor in combination, teach, show, or suggest the claimed method or apparatus. Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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